THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 163 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/09/2004 in WP No. 9059 OF 2003 on the file of the High Court.)

Between:

1 S. Peddi Raju, S/o Mahalaxmi,
2 B. Mutyala Rao S/o Kaleswara Rao,
3 R. Arjuna Rao, S/o Sree Ramulu,
4 K. Venugopala Rao, S/o Sri Hari,
All are working as Clerks/Attenders in R6 Kalipatnam P.A.C.S., R/o Kalipatnam, Mogaltur (M), West Godavari District.

..... APPELLANTS

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Agriculture and Cooperation Department, Secretariat, Hyderabad.
2 The Commissioner for Cooperation, Government of Andhra Pradesh, Hyderabad.
3 The District Cooperative Officer, West Godavari District at Eluru.
4 The General Manager, District Cooperative Central Bank, Eluru, West Godavari District.
5 The Kalipatnam P.A.C.S. Mogaltur (M), West Godavari District.

.....RESPONDENTS

Counsel for the Appellants: MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent Nos. 4 & 5 : --------

The Court at the stage of admission made the following :

JUDGMENT(per Hon'ble Sri Justice S. Ananda Reddy, J)

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The present writ appeal is filed by the appellants who are stated to be the employees of the respondent Co-operative Society. When the 5th respondent Society discontinued the engagements of the services of the petitioners, they have come up before this Court with a writ petition seeking Mandamus declaring the action of the respondent in terminating the petitioners from services by an order dated 31-3-2003 as illegal and with a consequential direction to continue them. The said writ petition was dismissed by a learned single Judge of this Court by following his own order in a batch of writ petitions in WP No.3171 of 2003 & Batch. Aggrieved by the said order, the present appeal is filed.

2. The learned Counsel for the appellants contended that the appellants had been continuing for a long time, without issuing any notice they were abruptly discontinued under the impugned action of the 5th respondent. The learned Counsel also sought to contend that even if the provisions of Section 116-C of the A.P. Co-operative Societies Act are made applicable, still the appellants are entitled to continue in services as the 5th respondent Society was functioning by earning sufficient profits to meet the expenditure including the wages of the appellants.

3. The said contention of the Counsel for the appellants is disputed and opposed by the learned Government Pleader.

4. At the time of hearing, the learned Government Pleader placed before this Court a copy of the judgment of the learned single Judge passed in a batch of writ petitions.

In the said order, it was held that if an employee is retrenched or terminated contrary to the provisions of the Industrial Disputes Act, he can approach the Industrial Tribunal or the Authority under the provisions of the A.P. Shops and Establishments Act at his option. It was also held that as the writ petition itself is not maintainable against Primary Co-operative Society, no relief could be granted in the writ petition.

5. Heard both sides and considered the material on record.

6. In fact, the questions of fact have to be considered if the contentions of the appellants are to be considered on merits. Hence, in view of the fact that the writ petition itself was not maintainable and as sufficient alternative remedies are available under the provisions of Industrial Disputes Act as well as A.P. Shops and Establishments Act, we are not inclined to accept the contention of the learned Counsel for the appellants.

7. Under the above circumstances, the writ appeal is dismissed. No costs.

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(T. MEENA KUMARI, J)

Dt. 07-02-2005

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(S. ANANDA REDDY, J)

Kvrk

To

1. The Secretary, Government of Andhra Pradesh,

Agriculture and Cooperation Department, Secretariat,

Hyderabad.

2 The Commissioner for Cooperation,

Government of Andhra Pradesh,
Hyderabad.

3 The District Cooperative Officer,

West Godavari District at Eluru.

4 The General Manager,

District Cooperative Central Bank,
Eluru, West Godavari District.

5 The Kalipatnam P.A.C.S.

Mogaltur (M), West Godavari District.

6. Two CCs to G.P. for Co-operation,

High Court Buildings, Hyderabad(OUT)

7. Two CD copies.

THE HON'BLE SMT JUSTICE T. MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE S. ANANDA REDDY

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W.A. NO. 163 OF 2005

(Judgment of the Bench made by

Hon'ble Sri Justice S. Ananda Reddy)

7th FEBRUARY 2005